



Philippines

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

The Philippines is a democratic republic with an elected president, an elected bicameral legislature, and a fractious but functioning multiparty system. Although the executive traditionally sets the political agenda, the legislature plays an active role in policy formation. The Constitution provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency.

The President is Commander-in-Chief of the Armed Forces of the Philippines (AFP). The Department of National Defense directs the AFP, and the Department of Interior and Local Government has authority over the civilian Philippine National Police (PNP). The AFP, which has primary responsibility for counterinsurgency operations, also has duties in traditional law enforcement efforts, including the pursuit of kidnappers, whose actions remained a chronic criminal problem. Local civilian militias help provide security in certain conflict areas. The civilian authorities generally maintained effective control of the security forces; however, some elements of the security forces, including police, soldiers, and local civilian militias, committed human rights abuses; and, on July 26 and 27, a group of junior AFP officers attempted a mutiny.

The country has a market-based, mixed economy. The service sector accounted for approximately 47.5 percent of gross domestic product, the industrial sector 34.3 percent, and agriculture 18.2 percent. However, agriculture accounted for approximately 36.7 percent of total employment. Overseas worker remittances, estimated at \$7 billion per year, and tourism were important sources of foreign exchange. The population is nearly 80 million with an annual growth rate of 2.36 percent. According to the most recent Family Income and Expenditure Survey, the richest 30 percent of families earned 66.3 percent of national income, while the poorest 30 percent received approximately 7.9 percent. The incidence of poverty (measured as the ratio of those below the official poverty threshold to the total population) worsened during the year and approached 33.4 percent. Poverty was more severe in rural areas, with an estimated 54 percent of the rural population unable to meet basic needs. Poverty in urban centers was approximately 25 percent.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Some elements of the security services were responsible for arbitrary and unlawful and, in some cases, extrajudicial killings, disappearances, torture, and arbitrary arrest and detention. Other physical abuse of suspects and detainees as well as police, prosecutorial, and judicial corruption remained problems. The constitutionally mandated Commission on Human Rights (CHR) described the PNP as the worst abuser of human rights. Police and local government leaders at times appeared to sanction extrajudicial killings and vigilantism as expedient means of fighting crime and terrorism. Prison conditions were harsh. Judges and prosecutors remained poorly paid, overburdened, susceptible to corruption and the influence of the powerful, and often failed to provide due process and equal justice. Long delays in trials were common. The Supreme Court undertook efforts to ensure speedier trials and to sanction judicial malfeasance, and launched a 5-year program to increase judicial branch efficiency and raise public confidence in the judiciary. Despite efforts by reformist leaders in all three branches of the Government to strengthen rule of law and protection of human rights, a fundamental and pervasive weakness in the rule of law contributed to a widely held belief that official justice is beyond reach. Some local military and police forces harassed human rights activists. Violence against women and abuse of children continued to be problems. Discrimination against Muslims persisted. The law provides for worker rights, but implementation and enforcement were not always effective. Child labor continued to be a problem, although the Government and nongovernmental organizations (NGOs) continued to give the problem increased attention. The use of underage workers in domestic servitude persisted. Child prostitution continued to be a problem, as did trafficking in women and children.

A large, well-funded Communist insurgency continued to operate in various regions of the country; its military arm, the terrorist New People's Army (NPA), committed numerous human rights violations, including political assassinations, kidnappings, and torture. The small, terrorist Abu Sayyaf Group (ASG) committed some kidnappings and killings, including summary beheadings of hostages and local residents. The NPA and ASG continued to use children both as soldiers and as noncombatants.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Police forces and anti-government insurgents committed a number of arbitrary and unlawful killings. The CHR investigated 92 complaints of killings for the first 6 months of the year, the same number as in the first 6 months of 2002. The CHR included killings by anti-government insurgents in its investigations. The NGO Task Force Detainees of the Philippines (TFDP) documented six summary executions of civilians by government forces and insurgents through June.

In combating criminal organizations, security forces sometimes resorted to summary execution of suspects, or "salvaging." Police and military spokesmen at times explained these killings as the unavoidable result of a shoot-out with suspects or escapees. Statements by various local government officials have condoned extrajudicial killings as an acceptable means to fight crime. The CHR suspected PNP members in a majority of the human rights violations involving deaths that it investigated through June.

One of the most prominent cases was the April 22 abduction and killing in Oriental Mindoro of two members of a team of human rights advocates investigating reports of abductions allegedly perpetrated by the AFP. The Justice Department ordered the surrender of three soldiers believed responsible, but the military unit linked to the murders reportedly was not cooperating with the investigation. In November, the Government filed murder charges against two soldiers and three militiamen, based on evidence presented by the parents of one of the victims and findings of the regional office of the CHR.

There have been deaths as a result of military hazing in recent years, including in 2003 (see Section 1.c.).

On October 7, the Supreme Court dismissed various procedural appeals and remanded to a regional trial court the 1995 Kuratong Baleleng case, in which the police are accused of summarily executing 11 suspected members of a criminal gang. In November, the regional trial court judge dismissed the case, citing lack of evidence. Prosecutors said they would appeal. An opposition senator implicated in these killings accused the Government of pursuing the case for political reasons.

The principal suspect in the April 2002 killing of two human rights activists in Oriental Mindoro Province did not appear in court as scheduled. In November, the U.N. Human Rights Committee expressed concern over extrajudicial killings and asked to be informed of developments related to this case.

In March, authorities found four indigenous Tausug villagers beheaded after a clash between suspected ASG members and Philippine troops in Indanan, Sulu (see Section 1.g.). On April 16, four minors and five others were killed in Kananga, Leyte (see Section 1.g.).

In April, a 16-year-old boy in North Cotabato was brutally killed and disemboweled by persons suspected of being members of a pro-government militia (see Section 1.c.).

The struggle for political power, particularly in rural areas, sometimes involves killings. During the year, several candidates and political supporters of local officials died as a result of political violence. In February, two armed men ambushed and killed the brother of a former Maguindanao governor. The victim's family believed that the killing was politically motivated. In April, police named a former army sergeant as the principal suspect in the killings and filed charges against him. The suspect remained at large.

In March, unknown persons shot and killed the secretary of a municipal official in South Luzon who was allegedly at odds with the municipal councilors. In May, armed men in Northern Luzon killed a village chief who supported a losing congressional candidate. The victim reportedly was the municipal chairman of a leftwing organization. On May 19, in what police believed was a political vendetta, two men killed a town councilor in South Luzon.

On June 22, suspected vigilantes killed the mayor of a Pangasinan town as he left the town cockpit. Authorities blamed the Communist New People's Army for the attack but the NPA denied the accusation. On June 26, suspected Moro National Liberation Front (MNLF) members ambushed and killed the mayor of Zamboanga Sibugay. On June 28, a mayor in Compostela Valley Province, a former army intelligence officer, was shot and killed by suspected NPA members.

In January, President Macapagal-Arroyo ordered the arrest of the vice mayor and eight other persons allegedly involved in the December 24, 2002 bombing in Datu Piang that killed Mayor Saudi Ampatuan and 16 of his followers. In June, police arrested the vice mayor and two of his companions for possession of an explosive material. The vice-mayor was put under the custody of the PNP in General Santos City. In October, he was killed reportedly in an escape attempt.

Journalists were also targets for murder, and during the year seven journalists were killed. No one has been convicted in these cases (see Section 2.a.).

President Macapagal-Arroyo ordered the creation of an independent commission to probe the March 4 Davao City airport bombing and April 2 seaport bombing that killed 38 persons and injured 200. Some government officials suspected the Moro Islamic Liberation Front (MILF) or MILF-related parties were responsible for the bombings, but some persons, including disgruntled members of the military, suspected the AFP.

The terrorist Abu Sayyaf Group kidnapped and tortured civilians during the year and summarily beheaded some of its captives (see Section 1.b.). On June 26, suspected ASG members beheaded three persons in a remote farming village in Zamboanga City. ASG members reportedly used the victims as human shields during a clash with government forces. In August, suspected Abu Sayyaf members killed a man who was delivering ransom to them.

Communist insurgents, mainly from the NPA, killed political figures, military and police officers, and civilians, including suspected military and police informers and foreign tourists. Peace negotiations between the Government and the political arm of the Communist Party, the National Democratic Front (NDF), made no significant progress.

In January, military authorities excavated the remains of 10 persons, including that of a kidnapped priest, in a mass grave near a former NPA headquarters in Tarlac. In March, in Pampanga authorities discovered another mass grave, believed to be of victims of an NPA breakaway faction, which reportedly killed persons who refused to yield to extortion and other demands.

On January 23, four armed men killed a former NPA commander who had become a security consultant for a number of government agencies. Communist guerillas claimed responsibility for the killing.

On February 14, members of a suspected NPA hit squad killed a Laguna chief of police. In March, the Communist Party of the Philippines (CPP) reportedly stated that its armed wing, the NPA, had killed 21 government troops, including the Laguna police chief.

In May, suspected NPA members abducted and killed a leader of a leftist NGO who had campaigned against the NPA practice of collecting "revolutionary taxes" (i.e., extortion).

On June 26, at least 17 people, 11 of whom were members of a Civilian Armed Forces Geographical Unit (CAFGU), were killed when the NPA attacked a remote army camp in the central Philippines.

In January, the PNP filed criminal charges against a top communist leader in connection with the 2001 killing of two policemen, a Congressman, and his bodyguard.

On March 6, the MILF captured five paramilitary men and two soldiers in Lanao del Norte and held them as "prisoners of war." Reportedly, one of the captives subsequently was killed. Several weeks later, the MILF Central Committee ordered the release of the captives to the International Committee of the Red Cross (ICRC).

In May, police arrested two former MILF members in connection with the May 10 bombing in Koronadal, Southern Mindanao that killed 13 and wounded at least 26 primarily civilian persons. The MILF had denied any involvement. Also in May, a ranking MILF leader, who was believed to be a special operations bomb expert responsible for a Manila bomb attack that killed 22 civilians, was arrested along with an Egyptian Islamic missionary. In September, the suspect withdrew his guilty plea. In December, government attorneys asked a Manila trial court to transfer the case to another venue.

The secessionist MILF reportedly burned down more than 1,000 houses of villagers in Central Mindanao and killed a number of civilians. In February, suspected MILF members killed 11 persons in Zamboanga del Norte. In April, unidentified men the AFP suspected were MILF members hurled a grenade into an outdoor food stand in North Cotabato, killing eight.

b. Disappearance

Government forces were believed responsible for disappearances. The domestic NGO Families of Victims of Involuntary Disappearances (FIND) reported 21 disappearances during the year.

There were no developments in the February 2002 disappearances of two Bayan Muna members in Aurora Province, or in the February 2002 disappearances of two Bayan Muna members in Nueva Ecija Province. The local media reported that the two Nueva Ecija abductees were forcibly taken by a group of soldiers.

FIND reported that 1,082 cases of disappearance remained unsolved; the majority of these cases date from 1983-85, the peak of the agitation against the Marcos dictatorship, and 1987-89, the height of an Aquino administration crackdown on insurgents.

The courts and the police failed to address adequately complaints of victims' families concerning past disappearances in which government security forces were suspected. Disappearance itself is not a crime under the law; evidence of a kidnapping or killing is required in order for charges to be filed. FIND and Amnesty International's (AI) Manila office continued to support the efforts of victims' families to press charges; however, in most cases evidence and documentation were unavailable. Convictions were rare, and FIND reported that only 14 cases were pending in court at year's end. Judicial inaction on the vast majority of disappearances contributed to a climate of impunity that continued to undermine public confidence in the justice system. On April 6, unidentified gunmen in Davao del Sur abducted an Arabic teacher. From April to June, six Muslims were abducted from Davao City and Cotabato City. Some human rights NGOs suspected police involvement.

In June, armed men believed to belong to a drug syndicate abducted a local government official from Tawi-Tawi who had been

campaigning against drug trafficking. His captors later freed him unharmed. At year's end, there were no arrests in the case.

In April, two women from a group abducted by ASG in August 2002 escaped. Also in April, one of four Indonesian sailors abducted by the ASG was found alive. A foreign missionary accused a Philippine army general of demanding a 50 percent cut of the ransom paid to the ASG for her and two other former hostages. The military denied the charges.

According to anticrime watchdogs, kidnapping cases doubled in April compared to the same period the previous year. Statistics from the Police Anti-Crime and Emergency Response Task Force, the police anti-crime body formed to fight kidnapping and illegal drugs, listed a total of 29 abduction cases from January to May, one less than the 30 recorded during the same period in 2002. The police reportedly solved 11 of the 29 cases. Many instances of kidnapping are not reported.

In April, armed men suspected to be anti-communist vigilantes abducted and killed two members of a team of human rights advocates that went to Oriental Mindoro to look into prior reports of abduction by military men (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and evidence obtained through its use is inadmissible in court; however, members of the security forces and police continued to use torture and to abuse suspects and detainees. The CHR provides the police with mandatory human rights training, including primers on the rights of suspects, and higher level PNP officials seemed more receptive to respecting the human rights of detainees; however, rank-and-file awareness of the rights of detainees remained inadequate.

TFDP stated that torture remained an ingrained part of the arrest and detention process. Common forms of abuse during arrest and interrogation reportedly included striking detainees and threatening them with guns. Less common forms included the placing of plastic bags over heads to deprive the detainee of air. TFDP reported that arresting officers often carried out such beatings in the early stages of detention.

Within the AFP, the CHR observed greater sensitivity to the need to prevent human rights violations. Officers with human rights violations cannot be promoted. Nevertheless, abuses still occurred. Human rights activists complained of abuses by security forces against suspected ASG and NPA members in captivity. According to the Moro Human Rights Center, members of the AFP frequently beat ASG suspects.

AI reported in January that torture and ill treatment persisted and expressed concern about the limitations of the CHR in protecting torture complainants. Acts of torture fall under the offense of "physical injuries" defined in the Revised Penal Code as wounding, beating, or assaulting another person resulting in injuries with no intention to kill. In April, human rights lawyers and advocates urged the Government to ratify U.N. statutes and declarations that would criminalize torture.

Hazing activities at the Philippine Military Academy (PMA) have led to deaths. In January, the chief of the Philippine National Police Academy (PNPA) and three other school officials were fired following the death of a cadet. Other cases remain unresolved, including that of a female military cadet who died in 2001. The Government has undertaken measures to combat hazing, including separating younger cadets from upperclassmen and posting officers in strategic areas within the school premises.

The CHR reported 6 cases of torture from January to June. TFDP reported 11 cases for the same period.

In March, four indigenous and two Muslim farmers in North Cotabato reported that soldiers and CAFGU elements arrested and tortured them on suspicion that they were members of the MILF.

In April, a 14-year-old Muslim boy in North Cotabato was tortured by persons suspected of being members of a pro-government militia on suspicion that he was a member of the MILF. His 16-year-old cousin, with him at that time, was killed and disemboweled. The 14-year-old victim survived by faking death. During the same month, nine Muslim farmers in Maguindanao were ambushed and tortured. Local government officials and the military denied that an anti-Muslim vigilante group committed these acts.

In May, PNP officers reportedly tortured and forced confessions from five suspects in the March 4 Davao bombing case. TFDP stated that the suspects claimed they were beaten and threatened with explosives.

Also in May, the CHR reportedly cleared soldiers who had been charged with torture of six farmers in Negros Occidental in November 2002.

In January, the Department of Justice reopened the investigation of a case in which 5 persons suspected of murder claimed that a high-ranking police officer and 25 accomplices tortured them. By year's end, there were no further developments.

Prison conditions were harsh. Provincial jails and prisons were overcrowded, had limited exercise and sanitary facilities, and provided prisoners with an inadequate diet. The Government reported that jails in the metropolitan Manila area were operating at 203 percent of capacity. A significant percentage of the inmates were detainees unable to post bail. Administrators budgeted

a daily subsistence allowance of about \$0.63 (P35) per prisoner. Prison inmates often depended on their families for food because of the insufficient subsistence allowance, and the need to bribe guards to receive food rations.

As a result of the overcrowding caused by an increase in the number of imprisoned drug offenders, some inmates took turns sleeping while others slept on their feet. The slow judicial process, aggravated by a lack of sitting judges to adjudicate cases, exacerbated the problem. Some prison wardens reportedly allowed wives or children to move in with inmates or stay in the prison compound because they could help feed the prisoners. The Manila city jail was poorly ventilated and, at times, lacked potable water.

According to Department of Interior and Local Government (DILG) records, there are an estimated 53,600 inmates in overcrowded detention centers nationwide, up by 4,000 from 2002. A detention facility for all inmates would cost an estimated \$20 million (P1,100,000,000), but the Bureau of Jail Management and Penology (BJMP) had an annual budget of \$400,000 (P22 million).

According to regulation, male and female inmates are to be held in separate facilities, overseen by guards of the same sex in national prisons; however, there have been anecdotal reports that these regulations were not enforced. In provincial and municipal prisons, male guards sometimes supervised female prisoners, directly or indirectly. In Bureau of Immigration (BI) detention facilities, male and female inmates were segregated by sex, but male guards oversaw both sexes. Although prison authorities attempted to segregate children, in some instances they were held in facilities not fully segregated from adult male inmates.

There were reports of widespread corruption among guards. Guards demanded that prisoners pay to receive food, to use sanitary facilities, and to avoid beatings by other prisoners. Jail administrators reportedly delegated to senior inmates authority to maintain order. The CHR and TFDP reported that beatings by prison guards and other inmates were common, but that prisoners, fearing retaliation, refused to lodge complaints. Corruption appeared to be a problem at higher levels of authority within the prison system as well. Favored inmates reportedly enjoyed access to outside contacts, enabling them to trade in prostitution and drugs.

In April, President Macapagal-Arroyo ordered the immediate relief of all personnel at Cebu City jail in response to reports of massive corruption there. In May, a legal officer from the Bureau of Corrections was fired reportedly for extorting money from inmates.

There were reports that guards abused prisoners. In 2001, AI reported that women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials. Victims often were afraid to report incidents (see Section 5). In May, police suspended three officers for allegedly raping a 20-year-old jail inmate. Some detainees at BI detention centers reportedly gained their release by making cash payments to guards.

From January to July, the PNP recorded a total of 28 successful prison escapes encompassing 135 prisoners, including a high-profile escape by three suspected terrorists. Police blamed the escapes on lenient security and the poor quality of detention facilities.

International monitoring groups and the ICRC are allowed free access to jails and prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, police in a number of cases arrested and detained citizens arbitrarily. The CHR investigated 72 cases of illegal arrest and detention through June--an increase of 24 percent from the number recorded during the same period in 2002. The TFDP documented 36 cases of politically motivated arrests by the Government through July. TFDP and the NGO Philippine Human Rights Information Center (Philrights) both estimated the total number of political prisoners in the country at approximately 200. Many of these individuals were charged with common crimes. There were allegations that some of these individuals remained in custody for periods longer than their stated jail terms. The Government denied that there were any political detentions or detainees (see Section 1.e.).

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence or death (when evidence is strong), the right to bail. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, depending on the seriousness of the crime. Due to the slow judicial process, lengthy pretrial detention remained a problem (see Section 1.e.).

The National Police Directorate for Investigation and Detective Management reported that 53 erring policemen were dismissed from service from January through October. Of the 2,882 administrative cases filed against PNP officers and personnel, 1,407 had been resolved, 693 were still under preliminary investigation, and 782 underwent summary hearings.

In March, soldiers arrested four farmers in Bohol Province in Central Visayas and accused them of killing a "barangay" (neighborhood or community) captain and his brother. A congressional representative claimed the arrests were

arbitrary and called for an investigation.

In June, the AFP arrested two female activist leaders and charged them with attempted multiple murder and several bombing activities. A human rights group said the two women were falsely accused. After 6 weeks of detention, the two women were released due to insufficient evidence.

There were reports during the year of arrests of foreign businessmen on immigration charges to pressure them as part of commercial disputes.

The terrorist NPA, as well as some Islamic insurgent groups, were responsible for a number of arbitrary detentions, often in connection with informal courts set up to try military personnel, police, local politicians, and other persons for "crimes against the people" (see Section 1.e.).

Forced exile is illegal, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency. Personal ties and sometimes venality, undermined the commitment of some government employees to ensure due process and equal justice. The result was impunity for some wealthy and influential offenders, and widespread skepticism that the judicial process would produce fair outcomes. In October, a group of mostly opposition congressmen initiated an impeachment complaint against the Chief Justice, allegedly for misusing public funds, but reportedly as retaliation for decisions against the interest of politically and economically powerful individuals. There were reports that some congressmen accepted money to sign the complaint. In November, the complaint was withdrawn after the Supreme Court ruled it unconstitutional, and the lower House of Congress accepted the Supreme Court decision.

On October 23, the President signed into law a measure raising judicial salaries by 100 percent over 4 years. Low pay was one of the factors that rendered both judges and prosecutors susceptible to corruption. There were many allegations that judges and witnesses accepted money or other bribes. The President and the Chief Justice of the Supreme Court expressed their desire to root out corrupt practices, and both warned judges and prosecutors not to abuse their authority. A high-profile campaign against judicial corruption showed some progress.

In February, the Supreme Court dismissed a Pampanga municipal trial court judge for extorting money from a lawyer with a pending case and fined a retired judge for deciding a case, which was no longer under his jurisdiction. The Supreme Court threatened to sanction lower court judges who failed to hear pending cases on time.

In March, a Dumaguete City Regional Trial Court (RTC) judge was convicted for soliciting money from a plaintiff in exchange for a favorable ruling in a civil case pending before his bench; a Pampanga judge was fined for ignoring the rules on preliminary investigation; and in Negros Occidental, a Municipal Trial Court (MTC) judge was fined for imposing excessive bail on a daughter of a poor fisherman accused of stealing.

In April, a Cebu City judge was sentenced to from 4 to 9 years in prison for demanding money in exchange for a favorable decision. A few weeks later, agents of the National Bureau of Investigation arrested a Tarlac municipal trial court judge after he allegedly accepted marked bribe money. The judge later committed suicide.

In May, the Supreme Court suspended a judge from law practice for 1 year and imposed a fine for violating an order that barred him from accepting legal consulting work. Also in May, an Albay RTC judge was dismissed for releasing \$910,000 (P50 million) worth of suspected smuggled rice in 2001, and a Caloocan City RTC judge was fined for refusing to implement a prior judgment.

In June, a Pasig RTC judge was investigated for allowing a Korean to post bail despite being caught in possession of more than a kilo of illegal drugs, and the Department of Justice (DOJ) ordered the prosecution of a Davao City judge for allegedly using a stolen vehicle.

In July, the Supreme Court dismissed a Zamboanga del Sur provincial judge for disregarding the order of the Court of Appeals regarding a land dispute case.

Judges continued to be assaulted and killed in the line of duty. On May 17, unidentified men shot and killed a provincial municipal circuit trial court judge in front of his residence in Kalinga, Apayao. The judge had been involved in a legal conflict with a prominent family. In July, a Cebu RTC judge survived an ambush.

The national court system consists of four levels: Local and regional trial courts; a national Court of Appeals divided into 17 divisions; a 15-member Supreme Court; and an informal local system for arbitrating or mediating certain disputes outside the formal court system. The "Sandiganbayan," the Government's anticorruption court, hears criminal cases brought against senior officials. A Shari'a (Islamic law) court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operates in some Mindanao provinces.

The Constitution provides that those accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respected the right of defendants to be represented by a lawyer, although poverty often inhibited a defendant's access to effective legal representation. Skilled defense lawyers staffed the Public Attorney's Office (PAO), but their workload was large and resources were scarce. The PAO provides legal representation for all indigent litigants at trial; however, during arraignment, courts may at their option appoint any lawyer present in the courtroom to provide counsel to the accused.

According to the Constitution, cases should be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for the Court of Appeals; and 3 months for lower courts. However, these time limits are not mandatory and, in effect, there are no time limits for trials.

The judicial system was unable to ensure expeditious trials for detained persons. Because of numerous technical delays and the frequent failure of judges and prosecutors to appear, many trials lasted for several months. Furthermore, there is a widely recognized need for more prosecutors, judges, and courtrooms. Of the more than 2,074 trial court judgeships nationwide, 28 percent remained vacant as of August due to a lack of qualified applicants. Positions in Mindanao and other poorer provinces were particularly difficult to fill, and 37.2 percent of these judgeships were vacant. Also difficult to fill were the Shari'a court positions, in part because of the requirement that applicants be members of both the Shari'a Bar and the Integrated Bar.

Although Shari'a courts do not have criminal jurisdiction, the MILF asserts that its Islamic law courts do. There were no reports of executions resulting from MILF court decisions during the year. The terrorist NPA continued to subject military personnel, police, local politicians, and other persons to its so-called courts for "crimes against the people." The NPA executed some of these "defendants."

International and domestic NGOs criticized many court proceedings that resulted in death sentences, stating that the judicial system does not ensure the rights of defendants to due process and legal representation. At times, defendants in death penalty cases lacked adequate legal representation at the time of arrest, indictment, or trial. By law, the Supreme Court reviews all death sentences. In a July speech the President announced an end to the death penalty moratorium, which had been in effect since April 2001; however, by year's end, no executions had been carried out.

Various human rights NGOs maintained lists of incarcerated persons they allege to be political prisoners; estimates usually range from a few to over 200. Typically there was no distinction in these lists between detainees and prisoners, and the majority of persons on these lists have not been convicted. Some face murder, kidnapping, and other serious charges, while others are charged with lesser offenses such as possession of drugs or firearms. Some NGOs asserted that it was frequent practice to arrest political detainees for common crimes and to continue to detain them after their sentences expired. Often it was difficult to distinguish between persons possibly incarcerated for political reasons and those for common crimes. The Government uses NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs, but it does not consider the persons listed to be political detainees or prisoners. Through September, the Office of the President returned to the Board of Pardons and Parole 947 requests for presidential action, with instructions to restudy the cases.

The Government permitted access to alleged political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides that a judge may issue search warrants on a finding of probable cause; however, while the Government generally respected restrictions on search and seizure within private homes, searches without warrants occurred. Judges declared evidence obtained illegally to be inadmissible.

The Government generally respected the privacy of its citizens; however, leaders of Communist organizations complained of what they described as a pattern of surveillance on their activities. In January, offices of a peace advocacy group in Davao City were ransacked. The perpetrators were not identified, although members of the group suspected government agents.

Forced resettlement of urban squatters, who made up at least 30 percent of the urban population, continued during the year, although to a lesser extent than in previous years. The law provides certain protections for squatters; eviction is often difficult, especially because politicians recognize squatters' voting power. Government relocation efforts were constrained by budget problems, and the issuance of land titles to squatters targeted by displacement was limited.

Although the Government itself did not use forced conscription, there were reports of forced conscription in Southern Mindanao into local indigenous peoples' paramilitary units with links to the AFP. The AFP denied these allegations. In July, a delegation of community representatives, together with representatives from religious organizations and indigenous peoples' support groups, reported abuses by vigilante groups in Southern Mindanao. Some suspected that local government officials or members of the armed forces supported the vigilante groups.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Some citizens groups complained that the AFP, in confronting the terrorist ASG, the NPA, and the separatist MILF, illegally detained citizens, torched houses, displaced residents, and shelled villages suspected of being ASG strongholds. The AFP defended its actions (see Sections 1.a. and 1.d.).

The terrorist ASG kidnapped and tortured many civilians during the year and beheaded a number of its captives. There were reports that the ASG killed citizens whom it suspected of being government or military informants. Clashes between the AFP and ASG occurred intermittently throughout the year, mostly in the Zamboanga peninsula and Sulu archipelago.

According to the Department of Social Welfare and Development (DSWD) statistics, at least 350,000 persons from Mindanao were displaced due to conflict between the AFP and Muslim insurgents throughout the year. From January to July, approximately 6,900 homes were damaged due to conflict between the AFP and the MILF.

In March, authorities found four indigenous Tausug villagers beheaded after a clash between suspected ASG members and AFP forces in Indanan, Sulu. The lone survivor reportedly claimed that the perpetrators were government troops who suspected the villagers of being members of the ASG. The military denied the allegations. Others suspected that the ASG beheaded the civilians.

On April 16, an AFP unit killed four minors and five others in Kananga, Leyte. The AFP reported the incident as an encounter between army soldiers and the NPA; however, activist groups accused the AFP of torturing and summarily executing the victims.

In February, clashes between the AFP and MILF in the Bulik areas of Mindanao displaced at least 70,000 persons, some of whom had returned to their homes by year's end.

During the year, the terrorist NPA killed political figures, mayors, military and police personnel, and civilians. The NPA also harassed businesses and burned buses to enforce the collection of "revolutionary taxes." The NPA continued actively to recruit minors both as combatants and noncombatants (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Several television and radio stations were owned by the state. Most print and electronic media were privately owned. Broadcast and print media were freewheeling and often criticized for lacking rigorous journalistic ethics. They tended to reflect the particular political or economic orientations of owners, publishers, or patrons, some of whom were close associates of present or past high-level political officials.

On August 4, police arrested the publisher-editor of an opposition newspaper on charges of libel, based on allegations of corruption against some of the President's associates. This was the first arrest of an editor since 1986. At year's end the case was pending. The editor was not incarcerated and was free on bail.

Journalists were the targets of several violent incidents during the year. According to the National Union of Journalists in the Philippines (NUJP), the country is now considered one of the most dangerous places in the world for journalists. Seven journalists were killed during the year. An average of three journalists are killed every year. According to the Center for Media Freedom and Responsibility, no one has been convicted and imprisoned for these killings. The NUJP accused the police and the Government of failing to adequately investigate these killings, and of subjecting journalists to harassment and surveillance.

On April 28, unidentified assailants shot and killed a Legazpi City radio announcer and former vice mayor suspected of supporting communist guerillas. On May 17, motorcyclists shot and killed a broadcaster from Quezon Province who was a former NPA member. On July 8, a lone assailant shot and killed a former barangay captain and reporter-columnist for a tabloid circulated in Tarlac province. A village official reportedly had filed a libel case against the columnist. On August 19, a radio commentator known for his criticism of corruption in the provincial government was shot and killed in front of his house in Laguna. On August 20, a radio reporter from Agusan del Norte was shot and killed near his radio station. On September 6, gunmen on a motorcycle killed a Davao City radio commentator who was a former spokesperson of an anti-communist group. The commentator had repeatedly criticized the mayor of Davao City on the air.

The Government did not restrict Internet use.

School administrators reportedly warned several student journalists against publishing critical commentaries and articles, and students on other campuses complained of military surveillance. The Government did not otherwise interfere with academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Although the law requires that groups request a permit to hold a rally, the Government at times has followed an unwritten policy of allowing rallies to occur without requiring the filing of a request.

Several NGOs complained about security forces violently dispersing rallies. Violence generally was limited, and at times some of these groups provoked security forces by shoving or throwing objects. In March, members of a militant student organization in Pangasinan reported the violent dispersal of their assembly. In May, a truckload of police reportedly assaulted with water cannon and truncheons workers protesting alleged unfair labor practices. In July, militant groups and human rights organizations in Iloilo condemned the violent dispersal of a rally protesting government policies. Six protesters reportedly were injured.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Although Christianity, particularly Roman Catholicism, was the predominant religion, there is no state religion, and under the Constitution church and State are separate.

Muslims were the largest minority religious group in the country. There was widespread debate over the exact size of the Muslim population, as some officials and observers claimed that security concerns in western Mindanao prevented census takers from conducting accurate counts outside urban areas. Estimates ranged from 3.9 million to 7 million, or 5 to 9 percent of the population. Muslims resided principally in Mindanao and nearby islands, but there were Muslim communities throughout the country.

Historically, Muslims have been alienated from the predominant Christian majority. The national culture, with its emphasis on familial, tribal, and regional loyalties, creates informal barriers whereby access to jobs or resources is provided first to those of one's own family or group network. Muslims reported difficulty renting rooms in boarding houses or being hired for retail work if they used their real name or wore distinctive Muslim dress. As a result, some Muslims used a Christian pseudonym and did not wear distinctive dress when applying for housing or jobs.

The Government's crackdown on the terrorist ASG has led some human rights NGOs to accuse the police and military of unfairly targeting Muslims for arrest and detention. However, most observers believed that discrimination against Muslims was grounded on cultural differences, not religious beliefs or practices. There also were reports of Muslim discrimination against Christians in areas where Muslims were the majority.

Intermittent government efforts to integrate Muslims into political and economic society have achieved only limited success. Many Muslims claimed that they continued to be underrepresented in senior civilian and military positions, and cited the lack of proportional Muslim representation in national government institutions (see Section 3). Predominantly Muslim provinces in Mindanao lagged far behind the rest of the country in most aspects of socioeconomic development.

The teaching of religious classes in public schools was permitted with the written consent of parents, provided that there was no cost to the Government. The Department of Education required schools to ensure the protection of the religious rights of students. These measures included allowing Muslim girls to wear their head coverings ("hijab") and not requiring them to wear shorts during physical education classes.

The Commission on Higher Education, a government agency that oversees public and private higher education in the Philippines, offered study grants for some former Muslim separatists who cannot afford to study in college due to financial constraints. The program aimed to contribute to peace and order by upgrading the education of these individuals.

Approximately 14 percent of the Muslim school population in Mindanao attended Islamic schools. As of July, there were 1,569 Islamic schools ("madrassas") across the country. Of these, 832 madrassas were located in the Autonomous Region of Muslim Mindanao (ARMM), while 737 were outside the ARMM. Only 35 madrassas had been registered with Department of Education due to the others inability to meet accreditation standards.

In March, a cabinet secretary claimed that a number of Islamic schools in Mindanao were being used to teach extremism, thus leading young people to take up arms for their faith. Several Muslim leaders denied the claim.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27786pf.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Citizens enjoyed the freedom to change their places of residence and employment. Travel abroad was limited only in rare circumstances, such as when a citizen has a pending court case. Government authorities discouraged travel by workers deemed vulnerable to areas in which they face personal risk (see Section 6.f.). The Philippine Overseas Employment Administration (POEA) sought to limit departures for work abroad to those persons whom the POEA certified as qualified for the jobs. More than 7.54 million citizens worked overseas and remitted money home. Such remittances amounted to approximately 8 percent of the gross national product.

There was no comprehensive legislation that provides for granting refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. However, in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Refugee Unit in the Department of Justice determines which asylum seekers qualify as refugees; such determinations in practice implement many of the basic provisions of the 1951 U.N. Convention. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. The Government also has provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention.

The Government continued to allow approximately 2,000 asylum seekers from Vietnam to remain in the country. All had been precluded from refugee status. There was popular support, particularly from the Roman Catholic Church, for allowing permanent residency for those asylum seekers who do not wish to repatriate and are ineligible for resettlement in other countries. The Government continued to encourage voluntary repatriation of such asylum seekers but has not ruled out forcible repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections that largely were free and fair and held on the basis of universal suffrage. On February 13, the President signed the Absentee Voting Law, which would enfranchise those eligible to vote among the 7.4 million Filipinos who reside outside the country. Total budget allocation for the law implementation amounted to \$18.2 million (P1 billion). On August 29, Congress passed the Dual Citizenship law. Under the law, those who have acquired foreign citizenship by subscribing to an oath of allegiance will be able to reacquire their Philippine nationality and to regain their right to vote.

As of September, 362,526 overseas Filipinos had registered to vote. The low rate of registration was attributed to lack of information about the procedures, inaccessible registration centers, strict employers who did not allow overseas workers to take a day off, and the requirement that voters execute an affidavit to return to the Philippines to reside within 3 years of the time of registration.

In May 2001, midterm elections were held for new senators, representatives, provincial governors, and local government officials. Approximately 100 persons were killed in election-related violence, including two sitting congressmen and a candidate for provincial governor (the NPA claimed responsibility for these and many other election-related killings), and another 140 persons were wounded in more than 200 incidents in the period preceding and following the voting. The next national election is scheduled for May 2004.

In compliance with the residence requirement for registration, the Commission on Elections (Comelec) did not allow first time voters among squatters in urban poor communities to register for the 2004 national elections unless they could prove that they were bona fide residents of their locale. Some NGOs argued that this policy reinforced the marginality of the urban poor, but Comelec officials reasoned that allowing non-compliant squatters to register would legitimize their illegal occupation of private and public properties. NGOs estimated that these developments could deprive one million squatters of the right to vote in 2004.

Some lawmakers supported the registration policy. Vote buying is common in squatter colonies, and many residents accepted bribes to vote in a certain way, or act as "flying voters," voting in several precincts.

There were no restrictions in law or practice on participation by women and members of minorities in politics. There were a number of women in positions of leadership and authority, some in highly visible positions. There were 3 female Senators in the 24-member Senate and 39 women in the 227-member House of Representatives. The President was a woman, and there were five female cabinet-level officials. There were 4 women on the 15-member Supreme Court.

Along with many other citizens, Muslims argued that the method of electing senators from a nationwide list favors established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment, and many Muslims and members of other groups underrepresented in the national legislature favored such an amendment. There was one Muslim cabinet member and no Muslim senators. The House of Representatives had eight Muslim members, including some elected from Christian majority districts.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large and active group of human rights NGOs generally operated without government interference, investigating and publishing their findings on human rights cases. Most government officials, including those of the CHR, were responsive to NGO

views. Many domestic NGOs were critical of the Government's human rights record; these NGOs also criticized previous governments' human rights records. While acknowledging that respect for human rights has improved under President Macapagal-Arroyo, many NGOs criticized the Government for being overzealous in its efforts to defeat the various insurgencies in the country. These groups cited indiscriminate arrests, torture of suspects, and the shelling of civilian areas the AFP suspected of harboring insurgents.

Some NGOs expressed concern over what they perceived as hostile government rhetoric toward human rights activists. NGOs also expressed concerns over statements by various local government officials that condoned extrajudicial killings as an acceptable means to fight crime.

Member organizations of the Philippine Alliance of Human Rights Advocates (PAHRA), a leading NGO network, monitored human rights problems and sought redress through their contacts with government agencies, the Congress, and the Government's Commission on Human Rights. Human rights activists continued to encounter minor or sporadic harassment, mainly from security forces or local officials from the area in which incidents under investigation took place. On April 22, two members of a team of human rights observers investigating alleged AFP abuses in Oriental Mindoro Province were killed (see Section 1.a.).

CHR monitoring and investigation of human rights complaints remained hamstrung by insufficient resources. Approximately one-third of the country's 42,000 barangays had Human Rights Action Centers, which coordinated with CHR regional offices. However, the CHR's regional and subregional offices remained understaffed and underfunded, reducing their effectiveness and preventing them from sufficiently investigating many abuses. The CHR was allocated \$3.6 million (P196 million) for the year, down 7 percent from 2002.

Section 5 Discrimination based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination against women, children, and minorities; however, vague regulations and budgetary constraints hindered implementation of these protections.

Women

Violence against women, both in and out of the home, remained a serious societal problem. The law does not specifically address the problem of domestic violence; complaints are filed under the charge of "physical injury." The Government did not disaggregate statistics to indicate the number of physical injury cases that result from domestic violence. The Department of Social Welfare and Development assisted an average of four women per day who complained of domestic abuse, not including rape.

The PNP and the DSWD both maintained women's help desks to assist victims of violence against women and to encourage the reporting of crimes. With the assistance of NGOs, officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. Many PNP stations included female officers. Overall the Government spent an estimated \$814,000 (P45 million) during the year for medical and psychiatric facilities and shelters for women who are victims of violence.

Rape continued to be a serious problem. The PNP reported that it investigated at least 988 cases of rape during the year. There were reports of rape and sexual abuse of women in police or protective custody. These often involved women from marginalized groups, such as suspected prostitutes, drug users, and lower income individuals arrested for minor crimes.

In January, AI reported that sexual abuse of persons in police custody continued despite government initiatives to protect women in custody. Although there have been a small number of prosecutions of police officers for rape of women in their custody, most perpetrators continued to escape prosecution. According to AI, the more than 40 cases of rape or sexual abuse reported between 1995 and 2002 represent only a fraction of the real number of cases. A study from the Center for Women's Resources, a non-government women's service institution, estimated that an average of 14 cases of rape and domestic violence occur daily involving women and children (see Section 1.c.).

The law provides for the death penalty in cases of rape. Although spousal rape and abuse also are illegal, enforcement was ineffective. Some NGOs argued that courts' imposition of death sentences for rape convictions inhibits some victims, particularly relatives of the accused, from pressing charges. During the year, of the eight prisoners sentenced to death, three were convicted of rape. Of the total prison population, approximately 19 percent were sentenced for rape. Of prisoners sentenced to death, 39 percent were convicted of rape.

Prostitution is illegal. Many women suffer exposure to violence through their recruitment, often through deception, into prostitution (see Section 6.f.). Penalties for the offense are light, but detained prostitutes were subjected to administrative indignities and extortion. The DSWD continued to provide temporary shelter and counseling to women engaged in prostitution. Officials believed that this helped only a small percentage of victims. Some local officials condoned a climate of impunity for those who exploited prostitutes. An anti-trafficking law passed in May criminalizes the act of engaging the services of a prostitute. By year's end, there had been no convictions under that provision.

Sex tourism was a serious problem. Trafficking in women and children for sexual exploitation and forced labor were problems. The anti-trafficking law enacted in May outlawed a number of activities specifically related to trafficking and provided stiff penalties for convicted offenders (see Section 6.f.).

Sexual harassment in the workplace was thought to be widespread yet underreported due to victims' fear of losing their jobs. Female employees in special economic zones (SEZs) were particularly at risk; most were economic migrants who had no independent workers' organization to assist with filing complaints. Women in the retail industry work on 3- to 5-month contracts, and were reluctant to report sexual harassment for fear their contracts would not be renewed.

In this predominantly Roman Catholic country, the law does not provide for divorce, although the courts generally recognize the legality of divorces obtained in other countries. The process of annulment is cumbersome and costly, which precluded annulment as an option for many women. Many lower income couples simply separate informally without severing their marital ties. The Family Code provides that in child custody cases resulting from annulment, illegitimacy, or divorce in another country, children under the age of 7 are placed in the care of the mother unless there is a court order to the contrary. Children over the age of 7 normally also remain with the mother, although the father can dispute custody through the courts.

In law, but not always in practice, women have most of the rights and protections accorded to men. However, unemployment rates for women are consistently higher than for men. Women's salaries averaged approximately 47 percent lower than their male counterparts'. Women continued to face some discrimination in employment. More women than men enter secondary and higher education.

The National Commission on the Role of Filipino Women, composed of 10 government officials and 13 NGO leaders appointed by the President, acts as an oversight body whose goal is to press for effective implementation of programs benefiting women.

Children

The Government devoted considerable resources to the education, welfare, and development of children. The Department of Education had the largest budget of any cabinet department. Nevertheless, children faced serious problems.

Elementary and secondary education is free, but the quality of education remained poor due in part to inadequate budget allocation. According to U.N. Development Program figures, the annual per pupil expenditure in 2002 was \$138 (P7,590). Congress cited fiscal constraints to explain the low government allocation. In June, public school teachers criticized President Macapagal-Arroyo following the revelation of a reported \$1.2 billion (P64 billion) budget shortfall. The Department of Education reported that it needs \$3.2 billion (P170.7 billion), but reportedly was allotted \$2 billion (P106.4 billion) (13.23 percent of the national budget) for the 2003-04 school year. The Department of Education estimated that 25 percent of students drop out between grades one and three, and 33 percent between grades one and six. Nearly 60 percent of children who start school do not complete grade 10.

According to government reports, 68.3 percent of children are well nourished and 64 percent were fully immunized. The child mortality rate was 48 out of 1,000 children before the age of 5 years. In 2000, an NGO estimated that 30 to 40 percent of preschool children in the five-province Autonomous Region in Muslim Mindanao suffered from malnutrition. Most of the malnourished children were in villages in Maguindanao, Lanao del Sur, and Tawi-Tawi Provinces. According to the latest UNICEF data, at the end of 2001, 30.6 percent of children under age 5 nationwide were moderately or severely underweight.

According to UNICEF and International Labor Organization (ILO) studies, approximately 2 million children were exposed to hazardous working environments, such as in quarries, mines, and at docksides (see Section 6.d.). Sexual exploitation and trafficking in children for the purpose of sexual exploitation were problems, in spite of positive steps by the Government to address these issues. NGOs estimated that approximately 60,000 children were involved in the commercial sex industry (see Section 6.f.).

The Government estimated there were at least 22,000 street children nationwide, although some NGOs believed the number to be much higher. Welfare officials believed that the number increased as a result of widespread unemployment in rural areas. Many street children appeared to be abandoned children engaged in scavenging or begging.

Child abuse remained a problem. DSWD offices served nearly 10,045 victims of child abuse during the year, 73 percent of whom were girls. Some 44 percent of the girls were victims of sexual abuse, while the majority of the boys had been abandoned or neglected. Several cities ran crisis centers for abused women and children. The problem of foreign pedophiles continued to be reported in the press, and the Government continued to prosecute accused pedophiles. Children also were victims of police abuse while in detention for committing minor crimes.

There were reports of discrimination against children of single parents at some private Catholic schools. In 2002, the Secretary of Education ordered all private schools to discontinue their practice of refusing admission to children of single or separated parents.

Children were targeted for recruitment as combatants and noncombatants by the terrorist NPA and ASG. The NPA claimed that

it assigned persons 15 to 18 years of age to self-defense and noncombatant duties; however, there were reports that the NPA continued to use minors in combat. An official from the Office of the Presidential Advisor on the Peace Process estimated that children made up as much as 19 percent of the NPA's fighting force. In the last several years, the AFP on numerous occasions captured or killed NPA fighters who turned out to be minors.

The ASG also recruited teenagers to fight and participate in criminal activities. There were reports that a significant number of ASG members staffing the groups' camps were teenagers. The AFP said that some Islamic schools in Mindanao served as fronts to indoctrinate children, and that the ASG used children as couriers and spies. In February, the DSWD reported that seven former "child warriors" ages 11 to 15 admitted to having fought with the ASG against the AFP on Basilan island.

A variety of national executive orders and laws provide for the welfare and protection of children. Police stations have child and youth relations officers to ensure that child suspects are treated appropriately. However, the procedural safeguards were often ignored in practice. Many child suspects were detained for extended periods without access to social workers and lawyers and were vulnerable to torture and other ill treatment. There were also reports that many children detained in jails appeared to have been arrested without warrants.

A number of NGOs actively promoted children's rights.

Persons with Disabilities

The law provides for equal physical access for persons with disabilities to all public buildings and establishments and for "the rehabilitation, self development, and self-reliance of disabled persons and their integration into the mainstream of society." The law applies to both those with physical and mental disabilities. The Department of Labor and Employment's (DOLE) Bureau of Local Employment (BLE) maintains registers of persons with disabilities indicating their skills and abilities. BLE monitors private and public places of employment for violations of labor standards regarding persons with disabilities and also promotes the establishment of cooperatives and self-employment projects for persons with disabilities.

Estimates of the number of disabled persons in the country ranged from 1 million to 3.5 million. Advocates suspected the data were incomplete due to the social stigma attached to persons with disabilities. It was estimated that the majority of persons with disabilities are younger than 65 years of age and lived at home with their families. Assisted living centers were understaffed and underfunded.

The Government mandated the provision of accessibility to buildings for persons with disabilities. Advocates for persons with disabilities contended that equal-access laws were ineffective because implementing regulations were weak, funding was inadequate, and government programs were inadequately focused on integration. Many public buildings, particularly older ones, lacked functioning elevators, meaning that persons in wheelchairs had to be carried up stairwells. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Government efforts to improve access to transportation for persons with disabilities have been halting. Only one of Manila's metro lines was wheelchair-accessible, and many stops had out-of-service elevators. Buses lacked wheelchair lifts, and there were reports of drivers who failed to stop for passengers in wheelchairs. A limited number of sidewalks had wheelchair ramps, but garbage cans and street vendors often blocked access. Many of the sidewalk wheelchair ramps were crumbling or too steep. The situation was worse in many smaller cities and towns.

Indigenous People

Indigenous people live throughout the country, but primarily in the mountainous areas of northern and central Luzon and in Mindanao. They account for approximately 16 percent of the national population. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevented their full integration into society. Indigenous children suffered from lack of basic services, health, and education.

Because they inhabit mountainous areas also favored by guerrillas, indigenous people suffered disproportionately from armed conflict. Their lands were often the sites of armed encounters, and various parties to the fighting have recruited many indigenous people. The MILF reportedly tried to recruit the Arumanen Manuvu tribe in central Mindanao. In 2002, there were reports the governor of a central Mindanao province was recruiting and arming indigenous people against the terrorist NPA.

The 1997 Indigenous Peoples' Rights Act, which was intended to implement constitutional provisions to protect indigenous people, established a National Commission on Indigenous People (NCIP), which was staffed by tribal members empowered to award certificates of title to lands claimed by indigenous persons in the country. It awards such "ancestral domain lands" on the basis of communal rather than individual ownership, impeding sale of the lands by tribal leaders. The law requires a process of informed consultation and written consent by the indigenous group to allow mining on tribal lands. The law also assigns the indigenous groups the responsibility to preserve forest, watershed, and biodiversity areas in their domains from inappropriate development. Although the Government has been slow to implement the legislation, primarily because of strong opposition from mining and agribusiness interests, some limited progress has been made. As of July, the Government claimed it had distributed approximately 907,345 acres of land to more than 76,330 indigenous families.

In his April report to the U.N. Commission on Human Rights (UNCHR), the Special Rapporteur on the rights and freedoms of indigenous people documented abuses involving arbitrary detention, persecution, killing of community representatives, coercion, torture, demolition of houses, involuntary displacements, rape, and disruption of the rights to food and shelter. He recommended more effective implementation of the Indigenous Peoples' Rights Act. The head of the Philippine delegation at the UNCHR said that the Special Rapporteur "...had allowed his mandate to be hijacked and manipulated by groups with a hidden agenda."

Section 6 Worker Rights

a. The Right of Association

The Constitution and laws provide for the right of workers, including most public employees, with the exception of the military and the police, to form and join trade unions. Trade unions are independent of the Government. Unions have the right to form or join federations or other labor groups.

As of August, there were 171 registered labor federations and more than 19,928 private sector unions, compared to 17,771 reported in 2002. The 1.7 million union members represented approximately 5 percent of the total workforce of 34 million. The number of firms using contractual labor, primarily large employers, continued to grow.

As of August, the Bureau of Labor Relations reported 1,242 public sector unions, compared with 1,086 as of August 2002. Total public sector union membership was nearly 247,853, up from 229,929 in 2002.

Allegations of intimidation and discrimination in connection with union activities are grounds for review as possible unfair labor practices before the quasi-judicial National Labor Relations Commission (NLRC). However, unions maintained that widespread ignorance of basic standards and rights was a major obstacle to union organization. Before disputes reach the NLRC, the Department of Labor and Employment provides the services of a mediation board, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes may be declared. DOLE, through the mediation board, also worked to improve the functioning of labor-management councils in companies that already had unions.

Unions have the right to affiliate with international trade union confederations and trade secretariats. Two of the largest trade union federations, the Trade Union Congress of the Philippines and the Federation of Free Workers, were affiliated with the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labor, respectively.

The ICFTU has claimed that a union may be registered only if it represents at least 20 percent of workers in a bargaining unit, and that the law requires an excessively high number of unions before a federation or national center can be formed.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and bargain collectively. The Labor Code provides for this right for employees both in the private sector and in government-owned or controlled corporations. A similar right is afforded to most government workers. Approximately 5 percent of the work force was organized. Collective bargaining was freely practiced. The number of workers covered by collective bargaining agreements rose to 270,721 or about 16 percent of union members.

Subject to certain procedural restrictions, strikes in the private sector are legal; however, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law, the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must be exhausted. The Secretary of Labor and Employment may intervene in some labor disputes by assuming jurisdiction and mandating a settlement if the Secretary decides that the industry involved in the strike is vital to national security. During the year, there were 38 strikes, compared to 36 in 2002.

The Labor Code provides that union officers who knowingly participate in an illegal strike may be dismissed and, if convicted, imprisoned for up to 3 years; however, according to the DOLE, there never has been a conviction under this provision.

Trade union officials reported that underpayment of the minimum wage and the use of contracting to avoid required benefits were common practices, including in the government-designated special economic zones (SEZs), where tax benefits were used to encourage the growth of export industries. Dismissal or threatened dismissal of union members also was common, and there were reports that some workers were fired after merely speaking with union organizers. There were reports that some companies offered cash to employees who agreed to identify union organizers. Some companies reportedly ordered overtime to disrupt union meetings.

Labor law applies uniformly throughout the country, including the SEZs; however, local political leaders and officials who govern the SEZs have attempted to frustrate union organizing efforts by maintaining union free or strike free policies. A conflict over interpretation of the SEZ law's provisions for labor inspection created further obstacles to the enforcement of workers' rights to organize. Despite objections from the DOLE, SEZ local directors claimed authority to conduct their own inspections as part of the zones' privileges intended by Congress. Hiring often was controlled tightly through SEZ labor centers. In organizing efforts, union successes in the SEZs have been few and marginal. Some mainstream unions avoided a major unionizing effort in the

lower-wage SEZ industries, such as the garment industry. They considered it unpromising in view of both the organizers' restricted access to the closely guarded zones and the rapid turnover of the young, mainly female staff who worked on short-term contracts in the zones' many electronics and garment factories.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced labor, including forced and bonded labor by children; however, despite the Government's efforts, there were some reports of forced and bonded labor, especially by children, mainly in prostitution, drug trafficking, and other areas of the informal sector (see Sections 6.d. and 6.f.). The legal minimum age for employment as a domestic worker is 15; however, over 4 million children 17 years of age or younger, including many under 15, were so employed. Some recruiters reportedly brought girls between the ages of 13 and 17 to work in Manila or Cebu under terms that involved a "loan" advanced to their parents that the children were obliged to repay through their work (see Section 6.f.). The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians, or in cases in which employment in cinema, theater, radio, or television is essential to the integrity of the production. The law allows employment of those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor, but forbids the employment of persons under 18 years of age in hazardous or dangerous work. However, child labor remained a problem, and a significant number of children were employed in the informal sector of the urban economy or as unpaid family workers in rural areas--some as bonded laborers (see Section 6.c.). The most recent government survey reported at least 4 million working children, approximately 2.4 million of whom were exposed to hazardous working environments, such as quarries and mines, docksides, and fishing boats.

Most child labor occurred in the informal economy, most often in family settings, and the Government rarely sought to prosecute a poor family because it had a working child. Nevertheless, the Government, in coordination with a number of domestic NGOs and international organizations, implemented programs to develop other, safer options for children, return them to school, and offer families viable economic alternatives to child labor. Although the Government made attempts to devote more resources to child labor programs, resources remained well below what was needed.

The Government and NGOs implemented programs to prevent the engagement of children in exploitative child labor. DOLE worked with domestic NGOs to educate communities on child labor and provided counseling and other activities for children. DOLE and the Department of Education worked with NGOs, UNICEF, and the ILO International Program on the Elimination of Child Labor to assist children to return to school. The Government also implemented fines and criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. DOLE continued its efforts to rescue exploited child workers, rescuing 43 minors in 249 different operations during the year. The Employers Confederation of the Philippines pursued an active and highly visible program against child labor.

e. Acceptable Conditions of Work

The national minimum wage did not provide a decent standard of living for a worker and family. Tripartite regional wage boards set minimum wages. In January and February, a round of wage increases was implemented in most regions of the country. The highest rates were in the National Capital Region (NCR) and the lowest in rural regions. The minimum daily wage for NCR nonagricultural workers was \$5.05 (P280), which did not provide a decent standard of living for a worker and family in the NCR. The lowest minimum wages were in the ARMM, where the daily agricultural wage was \$2.36 (P131). The regional wage board orders covered all private sector workers except domestic servants and other persons employed in the personal service of another person. Boards outside the NCR exempted some employers because of factors such as establishment size, industry sector, involvement with exports, financial distress, and level of capitalization. These exemptions excluded substantial additional numbers of workers from coverage under the law. Unions have filed complaints about the minimum wage exemption policies.

In practice, violation of minimum wage standards was common, and large numbers of workers received less than the minimum wage set for their area. Many firms hired employees at below the minimum apprentice rates, even if there was no approved training in their production-line work. DOLE officials estimated that 60 to 70 percent of workers who should be covered by the minimum wage were actually underpaid. They acknowledged that the shortage of inspectors made the law difficult to enforce. In addition to fines, the Government also made use of administrative procedures and moral suasion to encourage employers to voluntarily rectify violations. Complaints about nonpayment of social security contributions, bonuses, and overtime were particularly common with regard to companies in SEZs.

By law, the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an 8-hour per day limit. The Government mandates an overtime rate of 125 percent of the hourly rate on ordinary days and 130 percent on rest days and holidays. The law mandates a full day of rest weekly. However, there is no legal limit on the number of overtime hours that an employer may require. The DOLE managed enforcement of workweek hours through sporadic inspections. The Labor Inspectorate was not considered effective.

The law provides for a comprehensive set of occupational safety and health standards. The DOLE has responsibility for policy

formulation and review of these standards, but with only 209 positions allocated for inspectors nationwide, local authorities often must carry out enforcement. DOLE officials acknowledged that the number of inspectors was not adequate for the number of work sites to be inspected. DOLE launched a campaign to promote safer work environments in small enterprises. Statistics on actual work-related accidents and illnesses were incomplete, as incidents (especially in agriculture) were underreported. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

The Government and several NGOs worked to protect the rights of the country's 7.4 million overseas citizens, most of whom are temporary or contract workers. The Government placed financial sanctions and criminal charges on domestic recruiting agencies found guilty of unfair labor practices. Although the Philippine Overseas Employment Agency registered and supervised domestic recruiters' practices successfully, the authorities sometimes lacked sufficient resources to ensure workers' protection overseas. It sought cooperation from receiving countries and proposed migrant worker rights conventions in international forums. The Government also provided assistance through its diplomatic missions in countries with substantial numbers of migrant workers.

The labor laws protect foreign workers in the country. Foreign workers must obtain work permits and may not engage in certain occupations. Typically their work conditions were better than those faced by citizens.

f. Trafficking in Persons

Trafficking was a problem. In May, the Government enacted a comprehensive anti-trafficking law, which defines several activities related to trafficking as illegal and imposes stiff penalties--up to life imprisonment--for convicted offenders. There were reports that the Government brought cases against traffickers; however, there was no central database for the number of cases prosecuted.

Although the Government investigated several cases of trafficking-related offenses, efforts were halting due to scarce resources and a lack of witnesses willing to testify. The principal investigative agencies were the National Bureau of Intelligence, the Bureau of Immigration, and the PNP Criminal Investigation and Detection Group. The Government cooperated with international investigations of trafficking. In January, the Philippines, Cambodia, Indonesia, Malaysia, and Thailand agreed to form a joint committee to boost multilateral cooperation against terrorism and other transnational crimes, including human trafficking.

The country was a source, transit, and destination country for internationally trafficked persons. Internal trafficking was also a problem. Reliable estimates on the numbers of individuals trafficked were not available, primarily because of limited government and NGO resources to maintain accurate information. The most serious problem appeared to be the trafficking of women across international borders to destinations in Asia (especially Japan), Europe, the Middle East, and North America. Many of these women were forced to work in the sex industry. Organized crime gangs typically trafficked persons from China through the country to destinations elsewhere, although occasionally the Philippines was the final destination.

Both adults and children were trafficked domestically from poor, rural areas in the southern and central parts of the country to major urban centers, especially metro Manila and other cities on Luzon. A significant percentage of the victims of internal trafficking were from Mindanao and were fleeing the severe poverty and violence of their home areas. Women were far more at risk to be victims of trafficking than men, and girls were more at risk than boys.

There were reports of the sexual exploitation of children. Despite government efforts at law enforcement and expanded children's programs, NGOs estimated that approximately 60,000 children were involved in the commercial sex industry. Most of these children were girls, and nearly all had dropped out of school. Children in the "entertainment industry" work long (10 to 12), odd hours from evening until early morning. Typically they came from families with unemployed or irregularly employed parents.

Traffickers targeted persons seeking overseas employment. Most recruits were girls and young women ages 15 to 22, from poor farming families, with an average of 6 to 10 siblings. The traffickers generally were private employment recruiters and their partners in organized crime. Many recruiters targeted persons from their own hometowns. The primary method used to approach victims was the promise of a respectable and lucrative job.

There was anecdotal evidence that some officials (such as customs officers, border guards, immigration officials, local police, or others) received bribes from traffickers or otherwise assisted in their operations.

Victims faced health risks, such as contracting sexually transmitted or other infectious diseases, as well as susceptibility to beatings, sexual abuse, and humiliation.

The Government devoted significant resources to assist and protect victims. The concept of a trafficked person as a victim rather than a perpetrator was particularly strong. The Government, in conjunction with NGO partners, assisted victims by providing temporary (not permanent) residency status and relief from deportation, shelter, and access to legal, medical, and psychological services.

The Department of Social Welfare and Development (DSWD) and many private groups have established shelters and

rehabilitation centers. DSWD provided economic aid to victims, including residential care. Additional protective services included hotlines for reporting cases, and the operation of 24-hour halfway houses in 13 regions of the country to respond to victims. Although the Government provided some funding to domestic and foreign NGOs for services to victims, religious groups, multinational donor agencies, and private foundations typically funded most of the budgets for these NGOs.

The Government rarely deported or charged victims of trafficking with crimes; however, police frequently charged alleged prostitutes with vagrancy. No reliable statistics indicating whether these individuals were victims of trafficking were available.

Victims may file civil suits or seek legal action against traffickers. Most victims who chose to do so filed charges of illegal recruitment. However, the Government lacked substantial resources to pursue these cases.

Numerous government agencies and officials, as well as NGOs and international organizations, continued to support public information campaigns against trafficking. The Government also supported other programs to prevent trafficking, such as the promotion of women's participation in economic decision-making and efforts to keep children in school. The Government provided skills training to women, lessening the need for them to go to urban centers or overseas for employment. However, funding remained limited.